

HMK/mhb CH 7986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
FEDERAL INSURANCE COMPANY,

Plaintiff,

08 CV 4284 (PKC)(DF)
ECF CASE

-against-

YELLOW TRANSPORTATION, INC.

COMPLAINT

Defendant.

-----X

Plaintiff through its attorneys KINGSLEY, KINGSLEY & CALKINS allege
for their complaint herein:

1. This is a claim arising under the Court's Federal question
jurisdiction with respect to the interstate carriage of goods by surface motor
common carrier, pursuant to 28 U.S.C. §1331, and under the Interstate
Commerce Act and 49 U.S.C. §14706.

2. Plaintiff is the owner or duly authorized representative of the owner
or underwriters or subrogated underwriters of a cargo of machinery in new
good order and condition shipped from Chicago, Illinois to Houston, Texas on
or about September 13, 2007, on board defendant's truck and other
conveyances, and for which bills of lading and receipt no. 300-
127722/146493-527 were issued by or on behalf of defendant.

3. Defendants are the motor common carriers, freight forwarders,
brokers, operators, terminal operators, common carriers by air and by land,
and bailees for hire with respect to the cargo described above which was

carried and kept aboard the defendant's inland conveyances, terminals and warehouses by defendants.

4. The cargo described above was lost and damaged by defendants due to the fault, neglect, deviation, tort, tortious interference with contract, breach of warranty and contract, statutory violations, salvage expenses, and conversion of defendants, their agents and servants, and delivered by defendants in non-conforming condition, mis-delivered and non-delivered.

5. Plaintiff sues on its own behalf and as agent and trustee on behalf of any other party who may now have or hereinafter acquire an interest in this action.

6. Plaintiff's damages are in excess of \$96,363.04.

WHEREFORE, plaintiff demands judgment in an amount exceeding \$96,363.04.

Dated: April 23, 2008

KINGSLEY, KINGSLEY & CALKINS
Attorneys for Plaintiff

BY:____/S/_____
HAROLD M. KINGSLEY
91 West Cherry Street
Hicksville, New York 11801
(516) 931-0064
hmk@kingsleyandkingsley.com